

Senate, and Hon. C. G. Thomas, Speaker of the House of Representatives.

Sirs: Your joint committee appointed to arrange for counting the votes and for the inauguration of the Governor and Lieutenant Governor, beg leave to recommend that the House and Senate meet in joint session in the Hall of the House of Representatives on Monday, the 17th day of January, A. D. 1921, at 10:30 o'clock a. m., for the purpose of counting said votes, and that the House and Senate sit in joint session in the Hall of the House of Representatives on Tuesday, the 18th day of January, A. D. 1921, at 12 o'clock noon at which time the joint committee will escort the Governor-elect and Lieutenant Governor-elect to the Speaker's stand, and the oath of office will be administered to them by Hon. Nelson Phillips, Chief Justice of the Supreme Court of Texas.

WOODS,

WITT,

BUCHANAN,

WOOD,

DARWIN,

On the part of the Senate.

BLACK, O. B., of Bexar,

JONES,

NEBLETT,

ROUNTREE,

THRASHER,

SMITH,

MILLER of Dallas,

On the part of the House.

Speaker Thomas then presented Hon. John A. Valls of Laredo, Texas, who welcomed the distinguished guests and representatives from the Republic of Mexico in behalf of the people of Texas.

General Francisco Perez Trevino, Secretary of State of the Republic of Mexico, and personal representative of his excellency, the Honorable Alvaro Obregon, President of the Republic of Mexico, responded to the address of welcome.

The Speaker of the House and the President Pro Tempore of the Senate then announced that the two houses were in joint session for the purpose of inaugurating the Governor-elect and Lieutenant Governor-elect.

Hon. Nelson Phillips, Chief Justice of the Supreme Court of Texas, was then presented by Speaker Thomas.

Hon. Lynch Davidson, Lieutenant Governor-elect, then came forward and took the constitutional oath of office,

which was administered to him by Chief Justice Nelson Phillips, and he also affixed his signature to the official oath, Chief Justice Phillips attesting same with the great seal of the Commonwealth of Texas.

Hon. W. A. Johnson, being presented to the joint session by the Speaker of the House, presented Hon. Lynch Davidson to the joint session and the assemblage.

Hon. Lynch Davidson then addressed the joint session and the assemblage.

Hon. Pat M. Neff, Governor-elect, then came forward and took the constitutional oath of office, which was administered to him by Chief Justice Phillips, and he affixed his signature to the official oath. Chief Justice Phillips attesting same with the great seal of the Commonwealth of Texas.

Hon. W. P. Hobby being presented to the joint session by the Speaker of the House, addressed the House and presented Hon. Pat M. Neff to the joint session and the assemblage.

Hon. Pat M. Neff, Governor of Texas, then addressed the joint session and the assemblage.

In the Senate.

Adjournment.

The Senate was called to order by Pres. Pro Tem Page, and

Senator Dudley moved that the Senate adjourn until tomorrow at 10:00 o'clock.

The motion was adopted.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, January 19, 1921.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names.

Bailey.

Baugh.

Bledsoe.

Buchanan.

Carlock.

Clark.

Cousins.

Hertzberg.

Lewis.

McMillin

Murphy.

Page.

Parr.

Richards.

Darwin.	Rogers.
Davidson.	Suiter.
Dudley.	Watts.
Fairchild.	Williams.
Floyd.	Witt.
Hall.	Wood.
Harp.	Woods.

Absent.

Dorough.

Absent—Excused.

McNealus. Russell.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hertzberg.

Bills and Resolutions.

By Senator Bailey:

S. B. No. 63, A bill to be entitled "An Act to amend Article 4703 of Chapter 1, Title 70, and Article 5686, Chapter 2, Title 87, of the Revised Statutes of Texas of 1911, relating to Survival of Causes of Action for Personal Injuries and Injuries Resulting in Death, and Providing for the Survival of Causes of Action for Injuries Resulting in Death where the Tort-feasor dies before suit is instituted; and declaring an emergency."

Read the first time and referred to Committee on Civil Jurisprudence.

By Senator Dudley:

S. B. No. 64, A bill to be entitled "An Act to amend Section 1 of Chapter 27, of an Act passed at the Regular Session of the Thirty-second Legislature, entitled 'An Act to provide additional compensation of all Judges of the District Courts, District Attorneys of the State of Texas, and to the Judges of the Criminal District Courts of Harris and Galveston counties, by allowing compensation for actual and necessary expenses when engaged in the discharge of their official duties in counties other than the county of their residence'; and providing that this Act shall apply to the Judges of all of the Criminal District Courts of this State, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Carlock:

S. B. No. 65, A bill to be entitled

"An Act to require the giving of an additional supersedeas bond in cases pending on appeal or writ of error in Supreme Court or the Court of Civil Appeals, wherever, after the execution of the original bond, the same becomes insufficient by reason of the death or insolvency of the sureties on such bond, or from any other cause, and providing for the repeal of all laws in conflict herewith, and declaring an emergency."

Read the first time and referred to Committee on Civil Jurisprudence.

By Senator Buchanan:

S. B. No. 66, A bill to be entitled "An Act to amend Articles 4600 and 4601, Chapter 7, Title 66, of the Revised Civil Statutes of Texas, 1911, being Articles 784 and 785 of the Revised Criminal Statutes of Texas, 1911, relating to fees to be paid by applicants for licenses as embalmers and the annual fees to be paid by registered embalmers; to provide a penalty for the violation thereof or the failure to pay such fees and declaring an emergency."

Read the first time and referred to Committee on Criminal Jurisprudence.

By Senator Bailey:

S. B. No. 67, A bill to be entitled "An Act to amend Section 3 of Chapter 91 of the General Laws of the State of Texas, passed by the Thirty-fifth Legislature at its Regular Session: to fix the time for holding the terms of the district court in the various counties composing the 81st Judicial District of Texas, to repeal all laws and parts of laws in conflict with this Act, and declaring an emergency."

Read the first time and referred to Committee on Civil Jurisprudence.

By Senator Bailey:

S. B. No. 68, A bill to be entitled "An Act to amend Chapter 105 of the Acts of the Regular Session of the Thirty-third Legislature entitled 'An Act to prevent fire insurance companies from avoiding liability for loss and damage to personal property under technical and immaterial provisions of the policy or contract of insurance where the act breaching such provision has not contributed to bring about a loss, and declaring an

emergency,' by providing that no breach or violation by the insured of any of the warranties, conditions or provisions of a policy, contract of insurance or application therefor upon personal property shall render void the policy or contract or liability thereon, or constitute a defense to a suit for loss thereon, whether such act or omission be one that could contribute to or bring about the fire, or not, unless such breach or violation in fact contributed to bring about the destruction of or damage to the insured property, and declaring an emergency."

Read the first time and referred to Committee on Insurance and Banking.

Simple Resolution No. 14.

By Senator Floyd:

Whereas, Mr. J. A. Kenney, Assistant Sergeant-at-Arms, is still in the hospital and cannot assume his duties in such position at this time and the present Sergeant-at-Arms needs assistance in filling the duties of the office; be it

Resolved, That the services of Mr. Hornbuckle be retained until such time as Mr. Kenney may arrive and assume his duties.

Buchanan, Chairman; Floyd, Cousins, Davidson, Suiter.

The resolution was read and adopted.

Chair Presented With Gavel.

Here Senator Fairchild presented the Chair, Lieutenant Governor Davidson, with two gavels made from native timbers. Following the presentation motions were adopted providing for a committee to draft suitable resolutions relative to the presentation. These resolutions will be printed in this Journal, which is the reason that no further reference is here made.

Simple Resolution No. 15.

By Senator Hall:

Whereas, the Hon. R. V. Davidson of Dallas, who formerly represented with honor and distinction the banner Democratic Senatorial District of Texas—the Galveston District, is in

the city, therefore be it resolved that he be entitled to the privileges of the Senate Chamber and that he be requested to address the Senate.

The resolution was read and adopted.

The Chair appointed Senators Hall, Bailey, Hertzberg and Davidson as a committee to escort General Davidson to the President's chair, whereupon he addressed the Senate.

Senate Bill No. 56 Rereferred.

On motion of Senator McMillin, S. B. No. 56 was withdrawn from Committee on State Affairs and referred to Committee on Public Lands and Land Office.

Senate Bill No. 26.

Senator Dudley called from the table S. B. No. 26, which was on second reading. The Chair laid before the Senate on second reading.

S. B. No. 26, A bill to be entitled "An Act for the relief of the ad valorem taxpayers owing taxes to the State of Texas and the several counties thereof for the year 1920, and to provide that all such taxes be paid in four quarterly installments instead of in one sum, prior to the first day of February, 1921; and further providing that if any quarterly installment be not promptly paid, then all such taxes so due for said year of 1920 and still unpaid shall immediately become due and delinquent, and that all laws and remedies now in force or effect in this State shall apply thereto; and further providing that the provisions of this Act shall not apply to other than property taxes, and declaring an emergency."

(President Pro Tem. Page in Chair)

Senator Woods offered the following amendment:

Strike out all of Section No. 1 after the word "follows" in line 20, page 1 of the bill and insert the following words:

"On or prior to the first day of July, 1921."

Strike out the words "any installment of," lines 24 and 25, page 1.

Strike out the words, "The date when such quarterly installment shall become due and payable" and insert

the following words, "July 1, 1921."

The amendment was read, and on motion of Senator Woods both the amendment and the bill were laid on the table subject to call.

First Message from the House.

Hall of the House of Representatives,
Austin, Texas, Jan. 17, 1921.

Lieutenant Governor Lynch Davidson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted

H. C. R. No. 4, relating to appointment of member of Cabinet by President-elect Harding.

H. C. R. No. 6, relating to betterment of cotton marketing conditions.

Respectfully submitted,
NOEL K. BROWN,
Chief Clerk,
House of Representatives.

Appointments by Lieutenant Governor Davidson.

Private Secretary, T. R. Reese;
Assistant Secretary, Raymond Brooks; Personal Messenger, Dick McNutt.

Recess.

On motion of Senator Woods the Senate, at 10:50 o'clock, recessed until 3 o'clock today.

Afternoon Session.

The Senate was called to order by Lieutenant Governor Lynch Davidson.

Executive Messages.

Governor's Office,
Austin, Texas, Jan. 19, 1921.
To the Texas State Senate.

Gentlemen: I ask the advice, consent and confirmation of the Texas State Senate of the following appointments:

Ed. Hall, Bryan, Texas, Commissioner of Banking and Insurance.

A. A. Stiles, Austin, Texas, State Reclamation Agent.

M. M. Carrack, Dallas, Texas, State Health Officer.

T. D. Barton, Amarillo, Texas, State Adjutant General.

J. A. Herring, Dallas, Texas, Member State Prison Commission.

George W. Tilley, Waco, Texas, Member State Fire Insurance Commission.

S. L. Staples, Smithville, Texas, Secretary of State.

Very sincerely yours,

PAT M. NEFF,
Governor.

Governor's Office,
Austin, Texas, Jan. 19, 1921.

To the Texas State Senate.

Gentlemen: I ask the advice, consent and confirmation of the Texas State Senate of the following appointment:

J. N. Gallagher, Waco, Texas, as a member of the Commission of Appeals, Section "A," to succeed Leon Sonfield of Beaumont, Texas, resigned.

Respectfully submitted,
PAT M. NEFF,
Governor.

Senate Bill No. 7.

Senator Clark called up, from the table,

S. B. No. 7, A bill to be entitled "An Act providing that all automobiles, trucks and other motor vehicles owned by the State of Texas, or any department thereof, shall have printed in letters not less than two inches in height on each side thereof the word 'Texas,' followed by the name of the department of the State government controlling such vehicles; providing a penalty for using such vehicle not so designated, and declaring an emergency."

The bill having been read second time on the 18th inst., the same was passed to engrossment.

On motion of Senator Clark, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 7 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.

Carlock.	Murphy.
Clark.	Parr.
Cousins.	Richards.
Davidson.	Rogers.
Dudley.	Suiter.
Fairchild.	Watts.
Floyd.	Williams.
Hall.	Wood.
Harp.	Woods.

Present—Not Voting.
Page.

	Absent.
Buchanan.	Dorough.
Darwin.	Witt.

	Absent—Excused.
McNealus.	Russell.

The bill was read third time and action recurred on its final passage, and Senator Page moved that the bill be recommitted to the Committee for further consideration.

Senator Clark moved to table the motion to recommit the bill.

The motion to table was adopted by the following vote:

Yeas—13.

Clark.	Murphy.
Cousins.	Parr.
Davidson.	Richards.
Fairchild.	Suiter.
Floyd.	Watts.
Hall.	Wood.
McMillin	

Nays—12.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	Page.
Carlock.	Rogers.
Dudley.	Williams.
Harp.	Witt.

Absent.

Buchanan.	Dorough.
Darwin.	Woods.

Absent—Excused.

McNealus.	Russell.
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Action recurred on the final passage S. B. No. 7 and the same was finally passed.

Senate Bill No. 6.

Senator Clark called from the table, and the Chair laid before the Senate on second reading,

S. B. No. 6, A bill to be entitled

"An Act prohibiting the private use of any automobile, truck or other motor vehicle owned by the State of Texas, or in the custody of the State, or any department, board or official of the State government for official use, and fixing a penalty for the violation of the Act, and declaring an emergency."

The bill was read second time on the 17th inst.

On motion of Senator Clark, the bill was recommitted to Committee on Civil Jurisprudence.

Simple Resolution No. 16.

By Senator Murphy:

Whereas, in the caucus report of the permanent organization of the Senate of the Thirty-seventh Legislature, no salary was fixed for the Secretary and Assistant Secretary and the personal messenger of the Lieutenant Governor; therefore, be it

Resolved, that the salary of the Secretary to the Lieutenant Governor shall be seven and one-half dollars per day, the salary of the Assistant Secretary shall be six and one-half dollars per day, and the salary of the head porter shall be three dollars per day.

The resolution was read and adopted.

Executive Session Time Set For.

Senator Bledsoe moved that the Senate sit in Executive Session tomorrow at 3 o'clock p. m. for the purpose of considering the appointments of the Governor.

The motion prevailed.

Excused.

On motion of Senator Suiter, Senator Dorough was excused from attendance for the balance of this week, on account of important business.

Adjournment.

On motion of Senator Bailey the Senate, at 3:40 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

Committee Report.

Committee Room,
Austin, Texas, Jan. 19, 1921.
Hon. Lynch Davidson,
President of the Senate.
We, your Committee on Judicial

Districts, beg to advise that we have examined S. B. No. 49, and I am instructed to report the same back to the Senate with a recommendation that it do pass and be not printed.

C. T. RICHARDS, Chairman,
Judicial Districts Committee.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, January 20, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names.

Bailey.	Lewis.
Baugh.	McMillin
Bledsoe.	Murphy.
Buchanan.	Page.
Carlock.	Parr.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Russell.
Davidson.	Suiter.
Dudley.	Watts.
Floyd.	Williams.
Hall.	Witt.
Harp.	Wood.
Hertzberg.	Woods.

Absent.

Fairchild.

Absent—Excused.

Dorough. McNealus.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Witt.

Bills and Resolutions.

By Senators Fairchild, Lewis, Hall, Clark, Richards, Witt:

S. B. No. 69, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study, by correspondence, that supply the needs of Texas people; to provide for appointment of an executive for same and prescribe their duties; to provide for the appointment of members of the

faculty, prescribe their duties and provide for the salaries of members of said faculty, and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Carlock:

S. B. No. 70, A bill to be entitled "An Act to provide for the nomination of candidates for judicial offices, viz.: District Judge, Judge of the Court of Civil Appeals, Judge of the Court of Criminal Appeals and Judge of the Supreme Court, by the different political parties in this State, by conventions under such rules and regulations as may be prescribed by the executive committees of said parties; repealing all laws in conflict herewith, and declaring an emergency."

Read the first time and referred to Committee on Civil Jurisprudence.

By Senator Hall, by request:

S. B. No. 71, A bill to be entitled "An Act to amend Section 20 and to repeal Section 27 of Chapter 63, Acts of the Thirty-third Legislature, passed at its Regular Session being, 'An Act to amend an Act passed by the Thirtieth Legislature of Texas, Chapter 98, to create a more efficient road system for Brazoria County, Texas, and making the county commissioners of said county ex-officio road commissioners; and providing for the working of the county convicts upon the public roads of said county, and providing a penalty for the escape of county convicts; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, and road work and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll tax payers on the public roads; and relieving road hands from the performance of road work by the payment of five dollars; and providing for the creation of road precincts in Brazoria County; and providing for the election of road commissioners to supervise the construction of macadamized, gravelled or paved roads, and providing for the apportionment of the available road fund among the various road precincts of said county, and providing for the making of this law cumulative of the general laws, and in case of a conflict this Act to govern